

Notice of Allowability	Application No.	Applicant(s)	
	10/025,199	NEIMAN, PAUL E.	
	Examiner	Art Unit	
	Daniel M. Sullivan	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Paper filed 7 February 2005.
2. ☒ The allowed claim(s) is/are 1-4,6-18 and 20-29.
3. ☒ The drawings filed on 18 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4/22/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

PD

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Highlander on 22 April 2005.

The application has been amended as follows:

In the claims:

1. (Currently amended) A method for producing a selected polypeptide comprising in an avian host:
 - (a) ablating lymphoid cells in a first avian host embryo;
 - (b) infusing into said embryo bursal stem cells from a donor, wherein said bursal stem cells have been infected with a transducing virus that contains a nucleic acid encoding said selected polypeptide;
 - (c) obtaining bursal follicle cells from said first avian host after hatching; and
 - (d) repopulating a second avian host embryo with said bursal follicle cells obtained in part (c), lymphoid cells of which wherein lymphoid cells of the second avian host have been ablated,whereby said bursal follicle cells of said first avian host produce said selected polypeptide.

3. (Currently amended) The method of claim 1, wherein said first or second avian host is a chicken.
6. (Currently amended) The method of claim ~~[[5]]~~1, wherein the transducing virus further encodes an anti-apoptotic factor.
21. (Currently amended) The method of claim 1, wherein said embryonic bursal stem cells are from a 15 day old embryo.
22. (Currently amended) The method of claim 1, wherein said first avian host embryo and said embryonic bursal stem cells are syngeneic.
23. (Currently amended) A method of repopulating an avian host with transduced bursal cells comprising:
 - (a) providing an avian bursal stem cell, wherein said bursal stem cell is syngeneic to ~~said a~~ first avian host;
 - (b) transducing said bursal stem cell with a first transducing virus that contains a nucleic acid encoding an apoptosis inhibitor;
 - (c) infusing ~~said~~ first avian host with the transduced bursal stem cell;
 - (d) obtaining bursal follicle cells from said first avian host after hatching; and

Art Unit: 1636

- (e) repopulating a second avian host embryo with said bursal follicle cells obtained in part (d), lymphoid cells of which wherein lymphoid cells of the second avian host have been ablated.
25. (Currently amended) The method of claim 23, wherein said first or second avian host is a chicken.
29. (Currently amended) The method of claim 23, wherein said first avian host is an embryo, lymphoid cells of which have been ablated.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M Sullivan whose telephone number is 571-272-0779. The examiner can normally be reached on Monday through Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, Ph.D. can be reached on 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel M. Sullivan, Ph.D.
Examiner
Art Unit 1636


DAVID GUZO
PRIMARY EXAMINER